

Dog Federation of Wisconsin

Promoting and Protecting Responsible Dog Ownership

Good Morning - Co-Chairs and Committee Members

Thank you for this opportunity to speak on behalf of the Dog Federation of Wisconsin's opposition to SB-308 and AB-567.

The Dog Federation of Wisconsin has been in existence since 1990. We are an organization made up of individual pet owners, breeders, hunters, exhibitors, trainers, mushers, veterinary personnel, pet professionals and clubs. The individuals that make up these clubs and other individual members are scattered throughout most districts in the state of Wisconsin.

Many things come into play when introducing legislation. One of the concerns with trying to regulate the unregulated pet industry is the many facets of that industry. There are home breeders, hobby breeders, small breeders, large breeders and then you have the many different types of dogs over 300 different pure-bred breeds as well as cats, reptiles, fish, birds etc.

One of the problems with regulating dog breeding is that technically you don't have to be a business to do it. The dogs are doing pretty much what comes naturally. Technically, the legislature is trying to regulate the reproductive lives of dogs and creating penalties for that act....

To require severe penalties and fines on breeders for genetic defects is not responsible. Animals are living beings and subject to disease and health issues. If you are saying by legislation that all dogs should be perfect or else the creator of those living beings should be penalized; you are saying that children should be able to sue their parents for their inherited issues, because the parents didn't have every medical test possible run to prevent a genetic mishap. Many vaccines (which puppies should have at early ages) have

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been shown to cause adverse reactions) these reactions could be incorrectly diagnosed as being of genetic origin and cause a breeder to be held liable.

Dogs like humans are imperfect beings and subject to all the imperfect issues that come with life. Take a look at the Muscular Dystrophy Telethon. Researchers told Jerry Lewis when he first started the telethons 42 years ago that a cure would be found in his lifetime and Jerry Lewis is now 77 years old. Look at the hundreds of millions of dollars that the researchers had to work with. Breeders unfortunately don't have that luxury to search for cures on their own, nor do they have the millions of dollars to do it.

Commercial breeding facilities are a consistent source of dogs/puppies to the general public. If you ask individual breeders, the general public, rescue organizations, humane societies, they will all disagree as to if these facilities should even exist.

You will find small breeders that state that individuals should be willing to wait a year or two for the dog of their choice. You will even hear some of them state that owning a dog is not a right it's a privilege. Tell that to a person that is looking for the companionship of a dog and they will state that breeders and rescue organizations are self-serving and discriminatory because of their selective placement criteria. So who is right?

Clear headed thinking needs to reign over the emotion filled outcry of the general public and the media. Dogs are animals and do require certain care requirements and no one is denying that. Previous legislation had numbers that were low enough to impact dogs raised in a persons' residence, which would trigger inspections. Inspection numbers low enough to cause inspections of a persons domicile would not be acceptable. The emotions of an individual, that doesn't understand animal husbandry; needs to take a back seat. The care and the raising of animals needs to be focused on what is appropriate for the specific animal and its purpose (for example hunting dogs / sledding dogs / herding dogs) not based on the emotions caused by an edited news program.

We ask the Committee Members to withhold support and NOT recommend passage of both SB-308 and AB-567.

Dog Federation of Wisconsin Member Clubs for 2007 and 2008

DFOW is proud to have the following clubs and organizations as members. Note: Website links open in a new window.

Alaskan Malamute Club of Wisconsin Inc.
Badger Golden Retriever Club
Badger Kennel Club
Badgerland Cavalier King Charles Spaniel Club
Doberman Pinscher Club of Greater Milwaukee
Fancier Cocker Spaniel Club of S WI
German Shepherd Dog Club of Wisconsin
Greater Milw Norwegian Elkhound Association
Greater Milwaukee Poodle Club
Irish Setter Club of Milwaukee, Inc
Kenosha Kennel Club, Inc
Kettle Moraine Kennel Club
Shih Tzu Club of Wisconsin's Fox Valley



Ray A. Pawlisch, DVM, MS

Douglas D. Kratt, DVM President Elect Tom Gilligan, DVM Past President Leslie G. Grendahl Executive Director

301 North Broom Street, Madison, WI 53703 . (608) 257-3665 . fax (608) 257-8989 . www.wvma.org

Assisting veterinarians in improving and protecting animal well-being, public health, and agriculture

Senate Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection and

Assembly Committee on Consumer Protection and Personal Privacy

Testimony In opposition to Senate Bill 308/Assembly Bill 567 January 10, 2008

My name is Ken Lambrecht. I currently own Westside Family Pet Clinic which is a 4-doctor companion animal practice in Madison. Today I am representing the Wisconsin Veterinary Medical Association. More than 90 percent of Wisconsin's veterinarians are WVMA members.

The WVMA supports legislation that provides for the protection of animal health and relief of suffering, including regulation to ensure humane care is provided by dog breeders. So while we commend the sponsors of SB 308/AB 567 for attempting to address this important issue, we are concerned that the bill casts too large a net by also attempting to fashion a workable lemon law component.

Specifically, we are concerned that the definition of "unfit for sale" leaves too much room for interpretation. The bill defines unfit for sale as either "1. Having a condition that is congenital or hereditary and that severely affects the health of the dog. 2. Having an injury, defect, or illness that was obvious or able to be diagnosed before the purchaser received the dog from the seller or that is likely to have been acquired before the purchaser received the dog from the seller."

It can be difficult for a veterinarian to determine how much a congenital condition will impact a dog. Veterinarians see puppies all the time with luxating patellas, where the knee cap pops in and out of joint, that never cause a problem for the dog, but there are dogs that require surgical repair to live a comfortable life. Another common example is hip dysplasia. According to the Orthopedic Foundation of America, hips cannot be certified free of hip dysplasia until dogs until 24 months of age. Many dogs live out a normal life with a mild degree of hip dysphasia.

There can also be disagreement among veterinarians about whether a condition is congenital or a trait of the breed. For example, someone may purchase a Shar pei with the selling point that the more wrinkles, the more valuable the pup. However, the new owner soon learns about problems such as eyelid entropion, where the hair rubs on the eyeball because of an

in-turned eyelid, corneal eye problem, or skin fold dermatitis and decides to return the pup for congenital problems that were actually part of the initial desired characteristics.

There are also behavioral problems that could be thought to be congenital or hereditary such as severe separation anxiety issues, house training problems, or even the scenario where a person spends a lot of money on a hunting dog and then finds out it is "gun shy."

What is severe? SB 308 says the congenital or hereditary condition would have to "severely" affect the health of the dog. Does the fact that the dog requires veterinary treatment constitute a condition that is severe?

It may be difficult, if not impossible, for a veterinarian to determine, retroactively, if a dog was unfit for sale. Based on variable incubation periods of viruses, accountability of infectious diseases may be hard to determine, and opinions may vary from one veterinarian to another.

The bill requires "a statement of the probable cause of death" if the dog dies. Diagnosis would usually require necropsy or tissue submission for histopathology. For legal proceedings most veterinarians would only want to use a boarded pathologist to determine the cause of death. In our state the Wisconsin Veterinary Diagnostic Laboratory in Madison is the only place that will do a full body necropsy. The process is not simple, and sometimes the results are inconclusive. For conclusive results, the process may take as long as 30 days; the seven days mentioned in the bill is not a reasonable turnaround time.

The bill is unclear what, if any, legal liability would exist for the veterinarian signing the certificate of death. Will a veterinarian's involvement in a case make him or her party to the action? Will the costs associated with the veterinarian's time away from practice to participate in legal proceedings be covered?

The WVMA is willing and eager to assist in writing a bill that would achieve the goals of SB308. We cannot, however, support it as it is currently written.

I would be happy to answer any questions you may have.

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to "nip problem
in the bud".

Sherburne County Private and Commercial Kennel Licensing Ordinance

ORD - 134

Section I. Purpose

This licensing ordinance is intended to help enforce public health, safety and welfare concerns for the general public and animals for the purpose of prohibiting nuisance, animal neglect, and containing the spread of diseases. Public safety concerns such as dangerous and/or nuisance dogs have been identified by law enforcement to be potential public safety concerns associated with private and commercial kennels.

Section II. Title

This licensing ordinance shall be known and referred to as the Sherburne County Private and Commercial Kennel Ordinance, hereinafter "License."

Section III. Jurisdiction, Scope, Interpretation, Severability

A. Jurisdiction

The jurisdiction of this License shall apply to all the unincorporated areas of Sherburne County in which the County has zoning and land use authority. Private and Commercial Kennels are allowed as a Permitted Use in the Agricultural, General Rural, Urban Expansion, Commercial, and Industrial zoning districts as referenced in the Sherburne County Zoning Ordinance, Sections 8 through 11, subdivision 2.

B. Scope

From and after the effective date of this license, all commercial kennels shall be subject to the terms of this License.

C. Interpretation

The provisions of this License shall be controlling, unless the provisions provided under Minnesota State Statue, other ordinance, or regulation impose more stringent requirements in which those requirements shall be controlling. Words and phrases contained within this License are to be construed according to the rules of grammar and according to their common and approved usage. Singular words contained within this License include the plural and the singular. Words of in the past or present tense also include the future.

D. Severability

If any provision of this License or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of the License which can be given effect without the invalid provision or application, and for this purpose, the provision of this License are severable.

Section IV. Definitions

Animal - every non-human species of animal, both domestic and wild.

Animal Control Authority - a person employed by or under contract with the County and/or Township who is responsible for animal control enforcement.

Dog - any animal in whole or in part of the species canis familiarus.

Environmental Health Officer - an official employed by or under contract with the County and/or township who is responsible for investigating noise complaints.

Kennel, Commercial Any place where four or more dogs over six months of age are owned, kept, boarded, bred and/or offered for sale.

Kennel, **Private**— Any place where four or more dogs over six months of age are owned or kept for private enjoyment.

Kennel Run - enclosed area, indoor or outdoor to allow animals to exercise.

Person - one (1) or more natural persons; a partnership, including a limited partnership; a corporation; a trust; or any other business organization or association.

Unreasonably disturb the peace and quiet - includes, but is not limited to, the creation of any noise by any animal which can be heard by any person, including the Animal Control Authority, Environmental Health Officers or licensed peace officers, from a location outside of the building or premises where the animal is being kept and which animal noise occurs either: (1) repeatedly over at least a seven-minute period of time with one minute or less lapse of time between each animal noise during the seven-minute period, or (2) repeatedly over at least a fourteen-minute period of time, at an average of at least twelve animal noises per minute.

Unsterilized Female Dog - non-spayed female dog over six months of age.

Section V. Requirements

1. Private and Commercial Kennels may operate in the Agricultural, General Rural, Urban Expansion, Commercial, and Industrial zoning districts as provided in the Sherburne County Zoning Ordinance upon the issuance of the Sherburne County Private and/or Commercial Kennel License, and meeting any other requirements imposed by law.

- 2. The licensee shall at all times remain compliant with all applicable local, state and/or federal laws, rules and / or regulations. Any violation of any applicable local, state and / or federal laws, rules and or regulations, shall result in the immediate revocation of the license.
- 3. No more than forty (40) dogs over six months of age may be kept on the private and or commercial kennel property, including no more than ten (10) unsterilized female dogs over six months of age.

A. Location and Kennel Structure

- 1. Kennels must be located on a minimum of two and one half (2 ½) acres unless located within the Commercial or Industrial Zoning Districts.
- 2. Kennels or shelters and dog runs may not be located within 500' of a pre-existing residence except that of the kennel owner.
- 3. Kennels may require a building permit if over 120 sq ft in size, and must comply with building setbacks within the applicable zoning district.
- 4. Dogs must be confined or under direct control of the kennel operator or staff at all times. Outdoor commercial kennel areas shall be fenced. Fencing shall consist of durable materials, with a minimum height of six (6) feet, and shall deter dogs from escaping over, under, or through the fence.
- 5. All-weather kennels or shelters and dog runs or enclosed exercise areas shall be provided for all dogs and shall be adequately sized for the particular breed.
- 6. The owner and/or operator of the Private or Commercial Kennel shall operate the kennel so as to not unreasonably disturb the peace and quiet of any person.

B. License, Inspection and Enforcement

- 1. Complete applications shall be reviewed and approved or denied within 30 days of the date of submittal. Annual licenses are valid from the time they are issued until June 1st the next year after their issuance. The annual license fee will be set by the County Board.
- 2. Private and Commercial Kennel Licenses shall be issued by the Sherburne County Planning & Zoning Department.
- 3. The application and Operational Plan must be complete in order for the Planning & Zoning Department to accept and review the application. Prior to administrative approval, the Sheriff's Department may conduct a criminal background check of the applicant and property owner.
- 4. The Sheriff's Department and/or Public Health Department shall inspect Commercial Kennels on an annual basis unannounced.¹
- 5. All complaints concerning dogs within the unincorporated areas of the County shall be addressed to the Sheriff's Department.
- 6. Complaints shall be investigated by the Sheriff's Department and/or the Public Health Department acting as the Animal Control Authority and/or Environmental Health Officer.
- 7. Any person who violates any provision of the Ordinance shall be deemed guilty of a misdemeanor and shall be punishable according to State of Minnesota Law. Each day that a violation continues shall constitute a separate offense. The County may also initiate any applicable civil action, such as the seizure of animals and/or revocation of a Private and/or Commercial Kennel license.

Author's Note: Time and costs associated with inspections shall be included within the annual license fee.

C. Operational Plan

An Operational Plan shall be submitted to include the following:

- 1. Name of Kennel Operator(s), address, phone number, signature, and date of signature.
- 2. Name of property owner(s), address, phone number, signature, and date of signature.
- 3. Address of property to be used for kennel (if different than above).
- 4. Name of business.
- 5. Site Plan, to include:
 - a. Property acreage, location and approximate acreage or dimensions of kennel area and runs.
 - b. Distance between kennel, exercise area and property line.
 - c. Customer parking area, if applicable.
 - d. Waste Disposal area (i.e. waste bin, spreading area, etc).
 - e. Location of all structures on property and distance to kennel area.
 - f. Location of well and septic system
- 6. Total number and breed(s) of dogs over six months of age to be permanently housed on property.
- 7. Number of dogs over six months of age to be temporarily (boarded) on property.
- 8. Number of Unsterilized Female Dogs to be housed on property for the purposes of breeding.
- Number of kennel employees, full and part time (including owner/operator), and the
 approximate months, days and time periods per week employees will be overseeing
 kennel operations.
- 10. Ratio of dogs to employees (full-time equivalent).
- 12. Waste disposal plan, to include a copy of a contact with the waste hauler who will be "specifically" removing animal waste.
- 13. Proposed signage and location (maximum of one (1) non-illuminated sign not to exceed 12 sq ft located on the premises).

A copy of the complete application shall be proved to the applicable township by the Planning and Zoning office for their records.

Section VI. Public Nuisance

No person owning, operating, having charge of, or occupying any building or premises shall keep or allow to be kept any dog which shall, by any noise, unreasonably disturb the peace and quiet as defined herein.

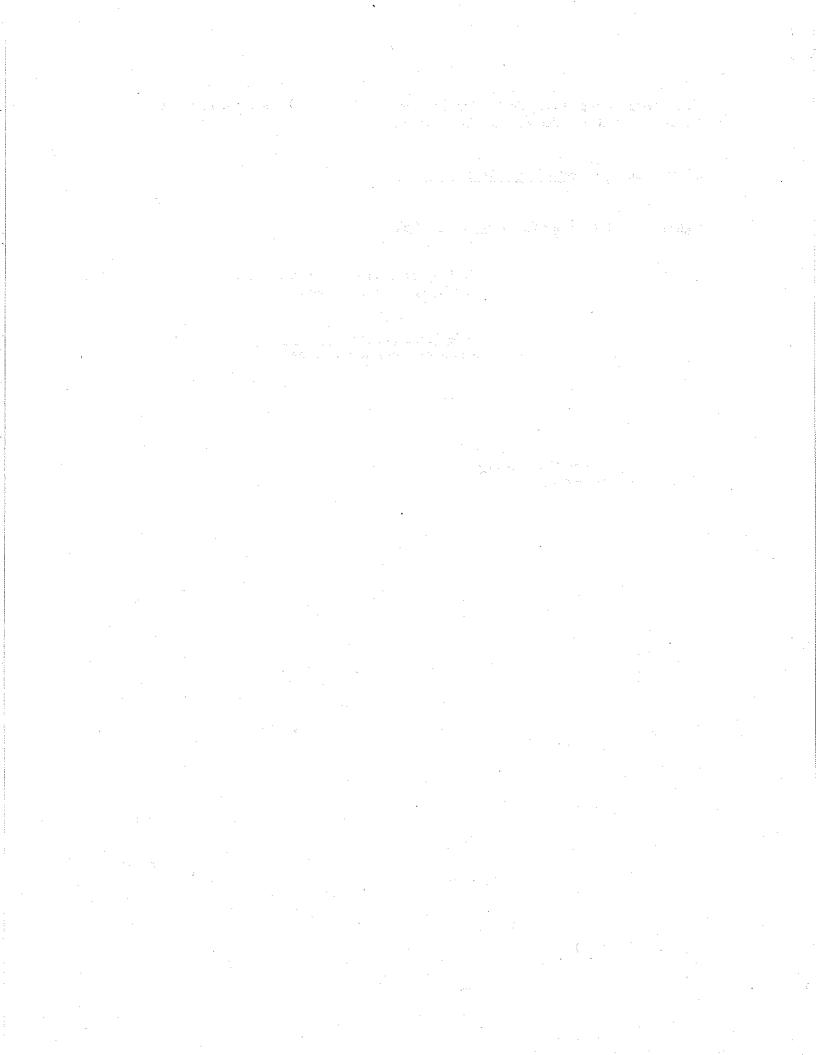
Section VII. Date of Effect

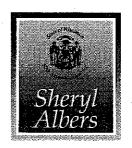
All pre-existing Private and/or Commercial Kennels as defined in this ordinance shall comply, with this ordinance within six months of the Date of Effect or shall be deemed guilty of a misdemeanor and shall be punishable according to State of Minnesota Law.

This provision was pa	issed by the Sherburne	County Board of Cor	nmissioners on the	1st day of
August, 2006 and dul	y filed with the Sherbu	rne County Auditor.		

Effective d	ate: September 5, 2006
Signed:	Terry Nagorski, County Board Chair
	The foregoing instrument was acknowledged before me this 2nd day of August, 2006.
	Linda Colleen Bronson

Drafted by the Sherburne County Zoning Office Sherburne County Government





January 10, 2008

To Members of the:

Assembly Committee on Consumer Protection and Personal Privacy

Senate Committee Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection

From: Rep. Sheryl Albers

Attached is an amendment I had drafted to ASA1 to AB 567 for your consideration. Constituents of mine approached me with their grave concerns with this proposal and I suggest these modifications at their request.

I hope that you will give consideration to the proposed changes in the amendment attached as you deliberate on AB 567.

Thank you.



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Office: P.O. Box 8952 • State Capitol • Madison, WI 53708-8952 • (608) 266-8531 Home: S6896 Seeley Creek Road • Loganville, WI 53943 • (608) 727-5084

ASSEMBLY AMENDMENT, TO ASSEMBLY SUBSTITUTE AMENDMENT 1, **TO 2007 ASSEMBLY BILL 567**

1	At the locations indicated, amend the substitute amendment as follows:
2	1. Page 4, line 14: delete "No" and substitute "Except as provided in sub. (2m),
3	no".
4	2. Page 4, line 22: after that line insert:
5	"(2m) EXEMPTION. (a) Subsection (2) (a) and the rules under sub. (6) do not
6	apply in a year to a person who is engaged in the business of breeding dogs if all of
7	the following apply:
8	1. Either the person has registered a dog with the American Kennel Club
9	within 6 months before the beginning of the year or the facility at which the person
10	engages in the business of breeding dogs has been inspected by the American Kennel

Club within 12 months before the beginning of the year and the American Kennel

11

14

1	Club has not withdrawn the person's ability to register dogs or compete in club
2	events.
3	2. The person provides a written warranty to purchasers of dogs and the
4	written warranty has been reviewed by the department.
5	3. The person has a current seller's permit under s. 77.52.
6	4. The person is not delinquent in remitting sales taxes.
7	5. The person provides documentation to the department showing that subds.
8	1. to 4. apply to the person.
9	(b) A person who is exempt from licensing under par. (a) shall provide notice
10	to the purchaser of a dog that the person is exempt from licensing by the
11	department.".
12	3. Page 7, line 22: after "breeder" insert "other than a commercial dog breeder
13	who qualifies for the exemption from licensing in s. 173.35 (2m) (a)".

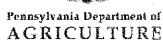
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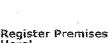
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Dog Kennel Licensing

Law

Any person who keeps or operates a Class I, II, III, IV or Class V kennel, Boarding Kennel Class I, II, III, or Non-Profit Kennel shall, on or before January 1 of each year, apply to the Department for a Kennel License. The application forms and kennel licenses shall be as designated by the Secretary. A separate license shall be required for each type of kennel and every location at which a kennel is kept or operated. A kennel license is required to keep or operate any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 25 or more dogs of any age in any one calendar year. All kennel licenses shall expire on December 31. When two or more licensed kennels are operated by the same person at the same location, each kennel shall be inspected and licensed for each use. ¹

¹Excerpts - ACT 225, The State Dog Law Section 206 (PDF)

License Fees

Private, Pet Shop, Research, Dealer, or Breeding Kennels

K1: Cumulative total of 50 dogs or less per year \$75 per year

K2: Cumulative total of 51 to 100 dogs per year \$200 per year

K3: Cumulative total of 101 to 150 dogs per year \$300 per year

K4: Cumulative total of 151 to 250 dogs per year \$400 per year

K5: Cumulative total of 251 dogs or more per year \$500 per year

Boarding Kennels

Boarding K1: Capacity to accommodate 1 to 10 dogs at any time \$100 per year

Boarding K2: Capacity to accommodate 11 to 25 dogs at any time \$150 per year

Boarding K3: Capacity to accommodate 26 or more dogs at any time \$250 per year

Nonprofit Kennels

Non-Profit Kennel

Non-Profit Kennels operated by approved medical and veterinary schools and nonprofit institutions conducting scientific research are required to register for a kennel license

\$25 per year

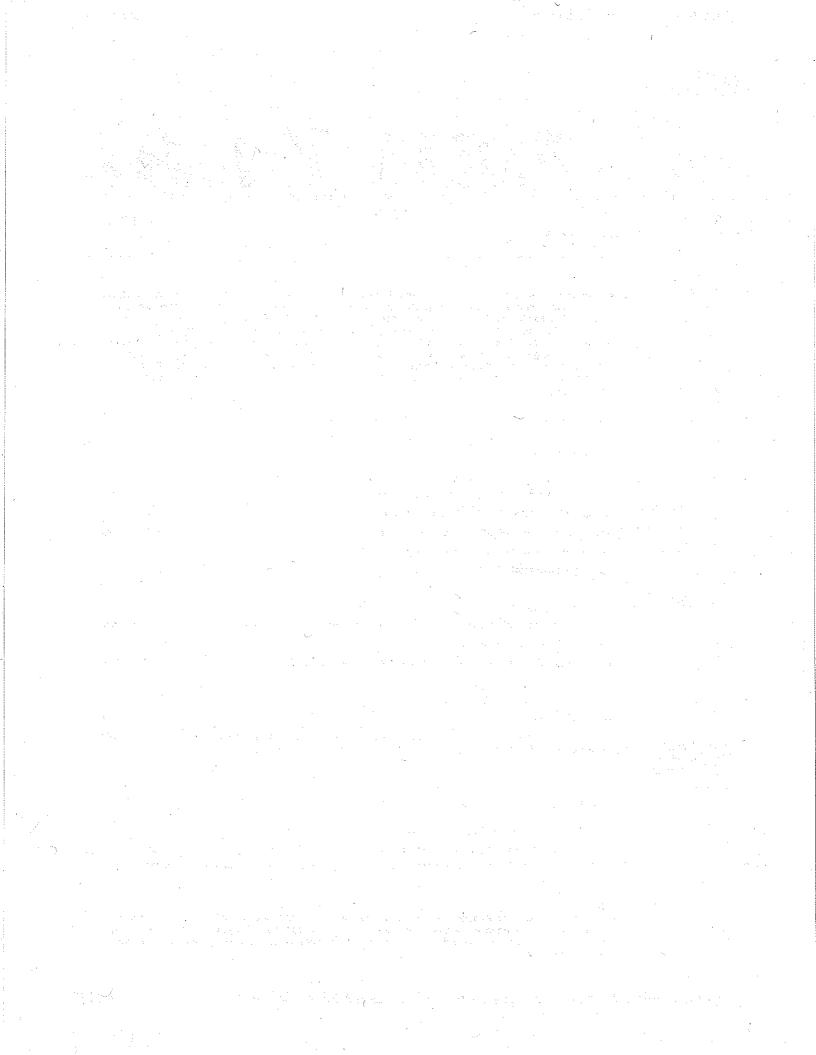
FREE

How to Apply

- 1. Read and become familiar with PA Kennel Regulations (PDF)
- 2. Contact your county Dog Warden (you can find your county Dog Warden in the Warden Listing)
- 3. Your county Dog Warden will assist you with the process of getting your kennel licensed

Please Note

There currently is no application fee, please do not submit any funds with the application. The warden will need to perform an inspection prior to the sending of any fees to verify the class you are applying for. Kennel applications can be submitted, but will not be approved until a passing inspection has been performed by a warden.



Profit and Loss

Time to clamp down on the factory farms that churn out helpless puppies

By Sandy Miller

Chances are, it was the first time she'd ever seen the world outside a filthy, crowded kennel.

And that's what frightened her so much.

The dog cowering under the truck in the parking lot of a dog auction that September afternoon six years ago didn't even resemble a golden retriever. She was woefully underweight, her coat was short and dull, and her eyes were so infected she could hardly see.



Spirit and her new siblings. She'd lived her whole life at a puppy mill, breeding litter after litter, until the factory farm went out of business.

"She was frozen, so scared she couldn't move," remembers Konnie Smith, a volunteer with Retrieve a Golden of Minnesota. Smith had driven four hours from her home in the Twin Cities to Jewel, Iowa, along with other volunteers to transport to Minneapolis 13 golden retrievers who were purchased at an auction with the hope of giving them a better life. Smith volunteered to take one of the dogs home with them.

In her three years on earth, the dog who would come to be known as Spirit had never had a chance to just be a dog. Raised in a puppy mill, she'd never been petted, never chased a ball, never been taken for a walk on a sunny afternoon. To her puppy mill owners, she wasn't a dog at all but a money-making breeding machine.

Spirit had spent her life in a dark, crowded place, freezing in the winter and sweltering in the summer. She'd been a cash cow for her owners, popping out two litters of puppies a year, all taken from her much too soon by a broker who most likely sold them to pet stores, all of the players taking a share of the profits.

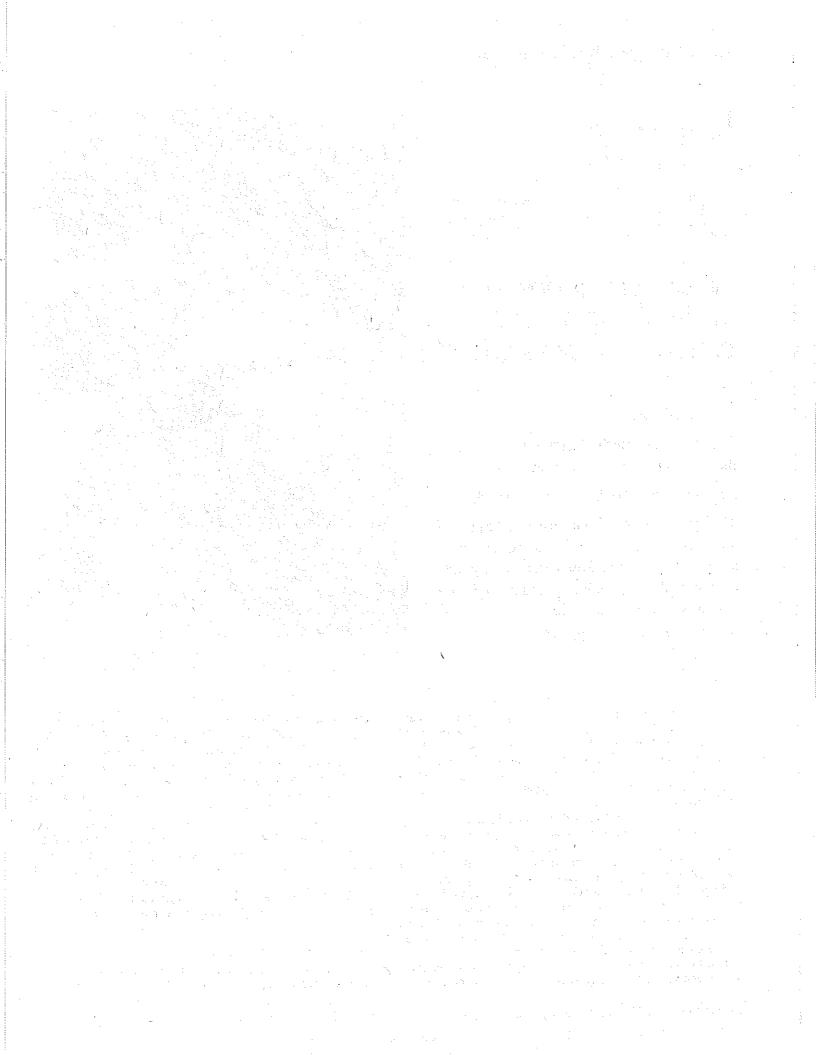
Spirit was one of the lucky ones. Had her breeders not gone out of business, her life most likely would have been spent on a series of auction blocks, sold to the highest bidder, moving from one puppy mill to the next until her reproductive years ran out. Then, like a perishable product that has passed its expiration date, she would simply have been discarded, and probably not in a humane way. After all, to her puppy mill owners, she was now just a worthless piece of property, not a sentient being with feelings. When the money stopped coming in, her time would have run out.

Smith helped put Spirit and the other dogs into clean crates for their ride to safety. She looked at Spirit and knew they had a difficult road ahead of them. This dog had never known humans to be her friends. After all she'd been through, would this dog ever be able to trust anyone? Smith was willing to give it a try.

For Spirit, that day in September marked the end of a long and painful journey, and the beginning of a brand new life.

What's a puppy mill?

Animal welfare organizations estimate that there are between 4,000 and 5,000 puppy mills in the U.S.



"The smallest we've seen have anywhere from 15 to 20 breeding dogs, but I've heard of commercial breeders who have 1,000-plus breeding dogs," said Kelli Ohrtman, a research specialist for Best Friends Animal Society.

Puppy mills are breeding facilities that produce mostly purebred puppies in large numbers. Dogs are housed in crowded, filthy conditions without adequate food, water or exercise. They have little human contact and usually do not receive any veterinary care. When they can no longer have puppies, they're abandoned, dumped at a shelter or killed. Their puppies are sold mostly to brokers who market them to pet stores, or to the public via the Internet, newspaper ads or auctions.

The majority of these factory farms are concentrated in Pennsylvania and the Midwest – Missouri, Arkansas, Iowa, Kansas, Nebraska, Oklahoma.

"Puppy mills thrive in small rural communities ... and in agricultural towns with a livestock mentality," said Mike Fry, executive director of the Animal Ark No-Kill Shelter in Hastings, Minnesota. "These people see dogs as livestock."

Missouri, which has more mills than any other state, is by far the worst – a "black hole of despair," according to Fry.

Puppy mills have become the newest kind of factory farm. Indeed, the federal agency responsible for overseeing commercial breeders is the same agency that oversees livestock operations: the USDA.

The USDA – understaffed and ineffective

The commercial pet trade is regulated (though, many would argue, not closely enough) by the U.S. Department of Agriculture's Animal

and Plant Health Inspection Services (APHIS). The USDA is responsible for administering the Animal Welfare Act, which requires breeders,

The USDA regulates the commercial pet trade but has "a ridiculous lack of investigators."

brokers and dealers to provide minimal basic care to their animals. Anyone who breeds pets for the wholesale trade or sells stock to other breeders must obtain Class A licenses, while brokers and dealers are required to obtain Class B licenses. This does not apply to breeders who sell directly to the public.

Under the Animal Welfare Act, breeders must provide nutritious food, clean water and housing that is kept dry and cleaned of waste. They must also provide adequate veterinary care and observe their animals daily. But the regulations still allow for keeping dogs in cages, albeit with "sufficient space to allow each dog and cat to turn about freely, to stand, sit and lie in a comfortable, normal position, and to walk in a normal manner."

How big is that? The USDA-APHIS has a formula. Each dog must be provided with a space calculated by dividing the mathematical square length of the dog plus six inches by 144. The dog must also be given just six inches of space above his head. So, a dog who is 40 inches long can be given just 14.69 square feet of space (roughly the

size of a bathtub).

Are the regulations enforced? Well, the USDA-APHIS is understaffed and, by most accounts, ineffective. According to USDA spokesman Darby Holladay, between 115 and 120 inspectors enforce the Animal Welfare Act and the Horse Protection Act. Holladay added that there are 15,000 licensees and registrants under the Animal Welfare Act alone, but he told *Best Friends* he couldn't comment on whether or not he thought the agency was understaffed.

Those 120 inspectors are responsible for monitoring not only thousands of breeders, brokers and dealers, but zoos, circuses and research facilities as well.

"We have the resources we have and we utilize those resources the best we can," Holladay said.

Claudine Wilkins, legislative coordinator for Best Friends, said it isn't nearly enough. "There's a ridiculous lack of investigators," she said

In 1992, the USDA's Independent Office of the Inspector General found that the USDA-APHIS could not ensure the humane care and treatment of animals as required by the Animal Welfare Act. But Holladay says the USDA has worked to improve inspections since that 1992 report.

"The USDA has taken tremendous steps to insure compliance with the Animal Welfare Act since 1992," Holladay said.

The USDA conducted more than 16,000 inspections in 2005-06. Minor violations can often be corrected during an inspection, while others are given a date (usually six weeks to two months) to be corrected. If violations are not corrected by the time of a follow-up investigation, the USDA's general counsel can file a complaint.

The USDA levied more than \$1.5 million in fines in 2005-06, and

the agency's general counsel listed scores of complaints on alleged violations of the Animal Welfare Act. If animals are in extreme danger, the USDA works with local agencies to confiscate the animals.



Would you wish conditions like these on any animal? Inside a puppy mill in Holmes County, Ohio, that went out of business.

. no more homeless pets

Holladay said, "We do that quite often."

But although commercial breeders who violate the Animal Welfare Act can receive a civil penalty of up to \$3,750 per day per violation, a glance at USDA inspection reports shows that some puppy millers have been able to tally up violation after violation, and still keep operating.

"There's such a lack of enforcement and so much recidivism," Wilkins said. "They're not being watched and regulated."

Fry agrees. "If the USDA were to levy those fines, they would have all the resources they need to regulate that industry."

Take the case of Gary McDuffee in Morrison County, Minnesota. Despite a five-year history of USDA violations, Morrison County commissioners still issued McDuffee a new conditional-use permit for a facility that could hold up to 500 adult dogs plus any number of puppies. Previous violations included cages that were too small, cages that were deteriorating and contained sharp and dangerous materials, failure to clean animals' enclosures, failure to label shipped animals as live cargo, and use of expired or outdated drugs or medications.

The McDuffee case drew nationwide attention and put the puppy mill issue back in the headlines. Animal welfare advocates, including those with Fry's organization, plan to appeal the ruling. Best Friends supporters have contributed \$20,000 to help with the appeal.

Holladay says the USDA does try to educate its license holders and bring them into compliance. But Fry says some breeders just aren't getting it. "You'd think after five years of noncompliance," he said, "they'd realize educating them wasn't working."

Government funding for puppy mills

Not only is the USDA lax in its regulation of commercial breeding operations, but it has actually poured money into them.

The USDA has loaned the Hunte Corporation, a large Missouri-based dealer and the largest wholesaler of puppies sold in pet shops, more than \$4 million in recent years for expansion and upgrades. Hunte, which has grown 35 times its original size since 1991, is involved in the transport and sale of animals to 300 pet stores around the world.

When asked by e-mail if Hunte sold dogs from puppy mills, Hunte president Steve Rook said, "Puppy mill is a pejorative term created by animal rights groups. I do not intend to lend any credibility to those groups by using terminology that was created essentially as part of their propaganda. If you are writing an article and plan to use

that terminology, I have no interest in being part of the article."

Rook added that Hunte has no breeding operations, purchase puppies only from USDA-registered breeders and inspected breeders and from hobby breeders who have three or less intact females, and that all puppies in Hunte's care must pass an extensive examination performed by one of Hunte's seven licensed veterinarians.

According to USDA documents, however, Hunte has had viola tions in the past for keeping animals in enclosures that were to small. And last year, 60 puppies on their way to Northeast pe stores died when a Hunte truck caught fire, most likely caused by a malfunctioning ventilator fan.

In January 1995, the Office of the Inspector General recommended new legislation to strengthen and enhance APHIS's authority. Meanwhile, Rep. Dennis Kucinich (D-Ohio) says he's going task the House Committee on Government and Oversight Refort to conduct hearings on the USDA's failure to enforce the Anima Welfare Act as it pertains to commercial dog breeding and brokering facilities.

Spirit comes home

Smith and her husband, Leon, carried Spirit's crate into thei kitchen and removed the top. "She was shaking so bad, we laid

> blanket on top of her, turned of the lights and left her alone."

> For five whole days, Spirit la in the fetal position and shook.

"She was so traumatized, Smith said. "It was 10 week before she would walk acros the floor when we were in th room. She would not move or of her corner."

Smith and her husband too Spirit to the veterinarian for vac cinations and a general checkup "We carried her in her crate an she pooped, peed and vomited a the way," Smith said. "She wa so scared."

The veterinarian discovere that Spirit was pregnant.

Smith spent as much time as the could with Spirit, hoping sh would learn to trust her. "I spen many, many hours sitting on the kitchen floor, head and bod turned away from her, setting tukey and chicken in front of her she would learn that people mean good things to her," Smith said

Follow the money

When it comes to puppy mill the bottom line is profit: profit for the breeders, profits for th brokers, profits for the peop who transport the puppies lik cargo, and profits for the pstores that sell them.

Best Friends' Position on the Commercial Breeding of Pets

While four to five million animals of all breeds and species are dying in shelters for lack of homes. Best Friends Animal Society sees no reason for the breeding of pets for profit.

Specifically, Best Friends is opposed to puppy, kitten and bird mills, and to all forms of production breeding either for direct sale to the public or for the purpose of the distribution of pets of any species for retail sale.

Best Friends also opposes the intentional breeding of any animal for physical or behavior characteristics that are dangerous to the health of the offspring, the public or other animals. This includes breeding for artificially exaggerated features, such as dogs with extreme flat noses or cats with artificially stunted legs, as well as dogs bred to be aggressive toward humans and other animals.

Best Friends acknowledges that there are a small number of people known as breed fanciers who are devoted to a particular breed and produce a small number of litters to protect and promote that breed. Provided that these practices don't compromise the health of the animals or create a burden on shelters. Best Friends is not opposed to them. We also recognize that many of these individuals also run or participate in breed rescue groups, and require spay/neuter for all but a very few of the puppies they rear.

The business of puppy mills is said to be much like the illicit blood diamond trade.

Simply put, puppies, as well as cats, birds and ferrets, have become the new cash crops. "There's markup all along the way, from the puppy mill owner to the broker to the pet store owner," Fry said.

Ohrtman agrees. "We talked to one breeder/broker who told us he sells his puppies for \$300 each to pet stores. I've seen puppy millers who make as little as \$75 on a puppy. It seems like the pet stores are making the most money from the deal, selling puppies for anywhere between \$500 and \$2,200."

At the bottom of the gravy train, the puppy mill owner has to produce a lot of puppies to turn a decent profit, so he breeds his dogs twice a year, despite the damage to the dog's physical health, and cuts costs by not hiring enough staff to adequately care for his dogs. Veterinary care is virtually nonexistent. And that is why so many mill puppies are suffering from all kinds of physical and

The business of puppy mills is said to be much

like the illicit blood

diamond trade.

behavioral problems by the time they reach the pet store.

Pet store puppies commonly have worms, upper respiratory infections, ear and eye infections, mange, coccidian and giardia. and some of these can be transmitted to humans.

Fry says that makes the problem a public health issue. "When

you pack a bunch of animals together in horrible, stressful conditions, their immune systems are suppressed, which makes them susceptible to disease. You introduce any kind of pathogen and it can spread through the population very quickly. Then, you're dealing with large quantities of fecal material going into streams and groundwater and contaminating wells."

It takes two

Puppy mills and pet stores depend on each other. It's estimated that 90 to 98 percent of dogs sold by pet stores come from puppy mills, according to a Best Friends study. The Pet Industry Joint Advisory Council estimates that 3,700 of the nation's 11,500 pet stores are selling dogs from puppy mills – about 300,000 to 400,000 puppies per year.

Petland is one of the largest pet store chains in the country. Its stores are independently owned and operated, and each franchisee is responsible for choosing pets sold in their store, according to Brian Winslow, Petland's director of business improvement.

In an e-mail to Best Friends, Winslow said Petland puppies and kittens come primarily from three sources: individuals in local communities who breed registered pets and offer occasional litters; pet rescue groups and local individuals who offer mixed-breed puppies and kittens for the store's adoption program; and licensed professional distributors who purchase registerable pets from professional breeders who are inspected and licensed by the USDA.

But some of the worst puppy mill operators have USDA licenses in their pockets. One of Petland's biggest suppliers is the Hunte Corporation.

Winslow says Petland has a constantly evolving "do-not-buy" list of breeders who have been determined to operate substandard facilities. And although "no one can guarantee the health of any living being," all Petland puppies and kittens go home with current vaccinations and a health warranty that covers infectious diseases for 14 days and hereditary and congenital concerns for one year.

Fry and several of his colleagues once surveyed pet stores in their area to see where they got their pets. Fry says all the pet store officials they talked to said their pets came from small breeders. They asked for the USDA numbers on the puppies and then called the USDA to get the inspection papers. They discovered that the pet stores' puppies didn't come from small breeders at all, but from large commercial breeding operations. Fry calls it "consumer fraud."

"It's an industry that's based on lies and deception," he said. "People are buying sick dogs that cost them thousands of dollars because they've been lied to."

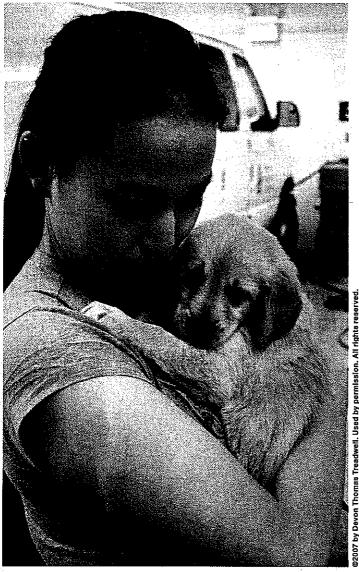
Only half the dogs bred at puppy mills even make it to the pet shops. The other half die from the mills' squalid conditions, hypothermia, starvation or the horrors of transport.

Today, thanks to the Internet, prospective buyers can order a puppy without having to leave the comfort of their living rooms.

Puppy millers are now marketing their animals on the Internet, and they don't even need a USDA license to do it. A Google search for "puppies for sale" pulled up more than 1.9 million entries.



Luckily for the animals, a rescue group was ready and waiting when one Missouri puppy mill was closed.



Volunteers were on hand to comfort and care for the many dogs rescued from the Missouri mill that closed down.

Best of show?

Though Spirit was in bad shape when Smith rescued her, she was still

AKC-registered. All Spirit's puppy mill owners had to do was fill out an application and send it to the AKC with a check – \$20 per dog, or \$25 per litter plus \$2 per puppy.

The American Kennel Club name alone conjures up images of the crème de la crème of canines proudly prancing around a show ring with their handlers. Surely they all came from the finest of dog lines, their parents pampered and cared for by their loving owners.

Think again.

"The AKC makes between \$20 million and \$30 million a year off dog registrations," Fry said. "A large percentage of that is from puppy mills. It's a cash cow. Without those registrations coming in, they would take a serious loss in income."

According to the AKC's 2006 audit report, the AKC made more

than \$33 million from registration fees, accounting for almost h of the registry's \$72 million in total revenues that year.

Lisa Peterson, AKC's director of communications, said the Al does inspect breeders. She said breeders who produce four to litters a year are randomly selected for inspection. Breeders w produce seven or more litters a year are inspected every 18 months they pass two inspections in a row, they get one inspection cycle and then go back on the rotation. Peterson said the AKC, which I 4 inspectors, conducted about 5,000 inspections last year. "Whour inspectors go in to inspect," Peterson said, "breeders have meet our standards of care for dogs."

The AKC has fined and suspended breeders who use their regis who have been convicted for cruelty to animals (the average pena is 10 years and a \$2,000 fine) or who have failed to comply with the AKC's Care and Conditions Policy, which usually brings a one-ye suspension and a \$1,000 fine, according to AKC documents.

Yet the AKC has consistently come out against state legislati that would require the most basic care standards, such as Minnesot Senate File 121 and House File 1046, as well as Pennsylvania goernor Edward Rendell's efforts to strengthen that state's dog lav

"We oppose any legislation that takes away the right of the owi to determine what's best for their pets," Peterson said.

On Fry's Animal Wise radio show, Peterson recently said that I AKC believes that dogs are the owner's property, since that is he they are viewed in the eyes of the law. And that belief, say anim welfare advocates, is one of the major problems.

Fry says that when it comes to legislation mandating basic car for animals, the AKC makes up "straw-man arguments that a completely without substance."

Take the AKC's argument against Minnesota's Senate File 1: which would oversee breeders with six or more intact breedifemale dogs.

"The AKC misses the entire point that

providing a minimal level of care is important, no matter how many animals you have."

"The AKC says t number is too low and arbitrary, but they miss t entire point that providi a minimal level of care important, no matter he many animals you hav Fry said. "I persona believe that if puppy mi had to apply the care, evif it's very minimal, the wouldn't be able to mak profit. The AKC isn't goi to get their cut. It's really about money for them."

There ought to be a law

The lack of USDA oversight has encouraged some states to tak upon themselves to strengthen laws governing commercial breeder

In Minnesota, a state with 127 USDA-licensed kennels, including three of the nation's largest with more than 1,000 animals easenator Don Betzold has introduced Senate File 121, which shasic standards of care for animals.

"You can't have animals in a cold barn with inadequate fo and inadequate heat," Betzold said. "You have to have some s

Continued on page

no more homeless pets

Continued from page 22

of medical care for the animals. It's not being provided by some of these irresponsible breeders."

Beltzold says Minnesota currently has some of the weakest animal laws in the country. "Some of these animals are clearly being bred in filthy conditions," he said. He hopes to change that by having commercial breeders with six or more breeding animals become licensed by the state. The state will use the license fees to hire its own inspectors.

Senate File 121, as well as the House version, House File 1046, received opposition from even small breeders, who thought the bill was too detailed and would put them out of business. It's too late for the bill to be heard this year, but Betzold hopes to introduce a less detailed version next year.

"If nothing else, it will simply adopt the USDA standards and then enforce them," he said.

In the meantime, he's hoping that better breeders will hop on

board and support the bill. "We should be putting the irresponsible breeders out of business. I would think responsible breeders would want that. Consumers would have more confidence when they're buying puppies and kittens that they're getting healthy animals."

Ohio has a similar bill in the works. And in Pennsylvania, where puppy mills have been springing up all over, many of them in Amish country, Governor Rendell has proposed legislation that would strengthen

criminal penalties for cruelty to animals. He's also proposed new regulations that would increase cage sizes; institute exercise requirements; set new standards for shelter, sanitation and temperature control; and require kennel owners to keep more detailed records.

Rendell also replaced every member of the state's Dog Law Advisory Board and created six new positions in the Bureau of Dog Law Enforcement. Having just one or two dog wardens per county, he

explained, "made it impossible for us to keep up with the condition: in all the kennels in Lancaster."

Animal welfare groups welcome these changes, but say they stil really don't get to the heart of the problem. With more than 2,446 mills, Pennsylvania is known as the puppy mill capital of the East Lancaster County became home to many of them when the Amisł and the Mennonite populations needed a new revenue stream.

The Amish tradition is for fathers to hand down a portion of theil land to their sons. In looking for a way to make a living off those smaller plots of land, they discovered puppy mills.

"They say, 'If we can't farm or we can't build furniture, we need to stack our produce," Wilkins said. The result? Cage upon cage of puppies stacked on top of each other.

But changes are also taking place at a more local level. In Minnesota's Sherburne County, commissioners were already working on an animal ordinance when things started heating up in Morrisor

County over McDuffee's permit. So commissioners decided to put some teeth into the ordinance to prevent puppy mills like McDuffee's from moving in.

"As far as we knew, we didn't have any thing similar to a large dog breeding operation in Sherburne County," said Sherburne County planner Jon Sevald. "We're lucky we didn't have the problem. We wanted to dea with it before it became a problem."

Sherburne's new ordinance requires anyone within the unincorporated town-

ships with four or more dogs older than six months to get a county kennel license. And they can have no more than 40 dogs older than six months, and no more than 10 of those dogs can be breeding females. The kennel must be located on at least 2.5 acres. There are two kinds of permits – private permits for those who aren't breeding or boarding, such as sled dog owners, and commercial permits for those who are breeding or boarding. Commercial kennels are

"It's pretty much the Wild West out there when it comes to puppy mills."

Why You Shouldn't Buy a Puppy from a Pet Store or Over the Internet

- It's estimated that more than 90 percent of dogs sold in pet stores come from puppy mills – large, commercial breeding operations where they're treated like inventory and stored in crowded, filthy cages with other dogs.
- In recent years, there has been an explosion of websites selling dogs from large, for-profit commercial breeders.
- There are no limits on breeding. Female dogs used for breeding are bred over and over again until their bodies give out. Then they're destroyed, sold for research or dumped at the local pound. Dogs may well be inbred, which means their puppies might have deformities.
- Dogs raised in substandard conditions often suffer from all kinds of physical ailments, which can result in large veterinary bills — and a lot of heartbreak — for their unsuspecting new owners.
- Pupples raised in large, commercial breeding operations are not socialized and often see behavioral problems.

- Because they suffer from diseases and behavioral problems, many of these animals end up in shelters, and are then euthanized. It's estimated that one in four animals in a shelter is a purebred.
- When you buy an animal from a pet store, you're feeding the pet trade – in which the main motive is to make profits for breeders, brokers and pet store owners, all at the expense of the dogs and their new owners.
- There is no reason to support the exploitive breeding of companion animals when millions of animals languish and die in public shelters every year.
- Instead of buying a puppy from a pet store or over the internet, save an animal instead by adopting from a shelter or rescue group. PetSmart and Petco pet supply stores also sponsor adoption days. You can also search petfinder.com, 1-800-save-a-pet.com and pets911.com, or google breed rescue groups in your area.

inspected at least once a year by a trained investigator from the sheriff's department.

Fry applauds Sherburne County's ordinance. "It's like Sherburne County put a sign on their border saying, 'No puppy mills allowed."

Other counties in Minnesota are looking at Sherburne County's ordinance as a possible model for enacting their own legislation.

But Sherburne County is a rarity.

"Many local municipalities don't have anything on their ordinance books that discusses breeders," Wilkins said. "It's pretty much the Wild West out there when it comes to puppy mills."

Wilkins says cities and counties should seize the opportunity

to enact local laws regarding commercial breeding. They could use the revenue generated from issuing local commercial breeding permits to fund their animal control departments. She adds that the USDA and local municipalities need to work more

closely together. "The state should make sure the applicant is in compliance with the local ordinance prior to giving him a license. Until they can comply with the local ordinances, the state department of agriculture should not be giving out licenses."

What you, the consumer, can do

Ultimately, when it comes to shutting down the commercial pet trade, the solution lies with the consumer.

"If there were no demand, "said Ohrtman, "there wouldn't be puppy mills, at least not on the scale that exists now."

So what can consumers do? Plenty.

First, don't ever buy a pet from a pet store or a newspaper ad, or over the Internet. Those are the places puppies from mills are likely to end up.

The local shelter should be your first stop, even when shopping for a purebred. It's estimated that one in four dogs in a shelter is a purebred. Breed rescue organizations are also a great resource.

"It takes a little more work," Ohrtman said. "It may mean going to a shelter three or four times until you find the right dog, or it may mean waiting for one from a breed rescue. But, when you adopt an animal, you're saving a life and you're not contributing to the problem."

Consumers can also write their legislators and their local paper to encourage them to enact stronger ordinances regulating commercial breeding, and to provide the necessary funding to enforce those ordinances.

Spirit's journey to healing

It was one small step at a time, Smith says of Spirit's road to healing. At 10 weeks, a breakthrough.

"She walked across the floor and came and sat next to me. She also walked in from outside and went up the stairs to get treats with my other dogs." Spirit was learning to trust a human being for the

first time in her life.

Spirit gave birth to 11 puppies, and three of them were stillborn. It would be her last litter.

"She had such a difficult time with her whelping because she was in such bad physical shape and undernourished and scarred, and the pups were so big for our little girl," Smith explained. "There was one remaining dead puppy that she couldn't deliver, and she went in for an emergency spay the following morning."

The veterinarian told Smith he had never seen a dog's uterus so stretched.

This time, Spirit's puppies got to stay with her until they were old enough to go to their new owners, whom Smith checked out thoroughly.

Spirit continued to heal, both physically and emotionally, but she still carries bad memories that can't be erased.

"We can't completely erase the first years of her life. But we can give her love, fun and a wonderful life."



Spirit in her new home with Konnie and Leon Smith.

"She will always be more shy than a normal dog," Smith said. "We can't completely erase the first years of her life. We can't give her back the socialization that she missed as a puppy. We can't remove all her fears after being bred repeatedly and kept kenneled and mistreated. But we can give her love, fun and a wonderful life."

Today, Spirit lives a good life with the Smiths and their other two golden retrievers, Sam and Allie.

"She is a happy girl," Smith said. "She now rules the house. She runs around the backyard with the other dogs and plays with toys. She sits on the couch and has her tummy petted when we watch TV. She's first in line for treats and she sleeps in our bed at night. Life is good."

To Wisconsin Legislators:

The recent Puppy Mill tragedy reported by the Fond du Lac Reporter (attached) is yet another flag that legislation to control this inhumane industry is long over due. The chain of events in this latest incident was as big a tragedy as the abuse itself. Why this woman, who had previous neglect charges, is allowed to pack up her inhumane operation, and practices, and move it to another county is unimaginable. The decision to allow this to happen without exhausting all available local rescue resources is something that Fond du Lac County and its Humane organizations will have to talk out.... it didn't make sense.

My main concern, however, is what's (not) happening in Madison. Legislators have been politicizing Puppy Mill Legislation attempts so long that their recent proposal seems like they're proposing something so they can say they did something. The proposal calls for the Dept of Agriculture to establish standards of care, defines penalties for non-compliance, and punitive damages for persons who purchase a defective a puppy or adult dog. Sounds like all the bases are covered? Not quite!

'There is <u>no</u> provision for facility inspections. That's right. none! Their logic is that "someone" will report abuse and then local authorities will respond with due diligence and take appropriate action. Well, due to the recent event, I guess that last part may leave room for debate. Anyway, that's right, <u>no inspections!</u> It's like speed limits without radar, baseball without umpires.... you do the other analogies.

Bottom line is, it "ain't gonna work." Any legislator who professes this will control Puppy Mill abuse should send his thoughts to the Burlington Liar's Club....I'm betting he'll be the 2008 winner. My suggestion for your readers is to contact your local <u>Humane Professionals</u> and ask their opinion on this important issue. After that take the time to contact your state representatives and let them know what needs to be done to control Puppy Mills and end the abuse. Tell them to not only get the job done, tell them to <u>DO IT RIGHT THE FIRST TIME</u>.

Thank you! Frank Schemberger 1732 Coolidge Court Eau Claire WI 54701

Lamartine puppy mill: A scene of neglect

Owner able to move dogs to Kenosha

January 6, 2008

By Sharon Roznik

Gannett Wisconsin Newspapers

The future of 150 labradoodles found living in deplorable conditions in the town of Lamartine is now someone else's concern.

Although the Fond du Lac County Sheriff's Department has referred charges against a 69-year-old woman with a history of animal neglect to the District Attorney's Office, the woman was allowed to move the dogs to a residence in Kenosha.

Members of the Wisconsin Puppy Mill Project said they would have been ready and willing to offer assistance in rescuing the dogs from what a veterinarian at the scene described as "inhumane conditions."

"Our experience with these operations is: What is bad today will be seriously bad tomorrow," said Puppy Mill Project Director Eilene Ribbons Rohde of Elkhart Lake.

The decision to allow the dogs to remain with the owner was made with the best interest of everyone in mind, said Fond du Lac County Sheriff's Department Detective Charlie Sosinski, who specializes in animal cruelty and neglect cases. He cited costs involved with seizing 100 dogs, a veterinarian's report that deemed the dogs were well fed and the insistence of volunteers helping the woman move who said they would be diligent in finding the dogs new homes, as factors that carried weight.

"She's (the dog owner) come under our radar more than once. We aren't taking the position that she isn't our problem but it's what I think I can enforce," Sosinski said.

Anonymous complaint

Sheriff's Department investigators first visited the residence on Town Line Road on Dec. 17 after receiving an anonymous complaint that numerous animals had been abandoned and the house was vacant, according to a Sheriff's Department report. Workers installing a new boiler in the residence told investigators there were several cats and a caged chinchilla inside the house. They said there was no food or water for the animals, along with an overwhelming odor of "cat waste."

A tour of the property by sheriff's officers revealed a large puppy mill-type operation, with 100 dogs housed in kennels with no bedding and no food or water. Animal waste was piled up everywhere, and the situation was reported to be similar to when the elderly dog breeder was investigated for alleged animal neglect in December 2005, according to authorities.

Two puppies, estimated to be a day old, were found dead in a kennel. Officers placed blankets and water in the kennels where two female labradoodles had recently given birth and were caring for litters of puppies, the report stated.

The worst pen contained eight puppies weighing about 40 pounds each, whose coats were caked with fecal matter, according to Waupun veterinarian Al Martens, who was called in as a consultant at the scene. He described the dogs as appearing frightened, and the older animals unable to interact with humans "as if they'd never been let out of a cage."

'Inhumane puppy mill'

"In my opinion, it was a very inhumane puppy mill being run with the express desire to produce as many crossbred puppies as possible," Martens wrote in a letter included in the Sheriff's Department report as part of the investigation.

en de la composition La composition de la On the morning of Dec. 18, Sosinski contacted the woman by cell phone and she told the detective that she would meet him at the property later that afternoon, according to the report. A short time later, Sosinski found the woman already in the barn. When asked why she hadn't been honest about the meeting time, the woman told him, "By afternoon, the dogs would have been gone."

The dog owner also told Sosinski she had been traveling four hours a day to care for the dogs and had been evicted from the Lamartine property for failure to pay the rent. A search warrant was obtained after the woman refused to allow law enforcement authorities access to the dogs or the house.

Several people helping the woman move expressed concern about the animals, stating things had "gone too far" and they would be diligent in getting the dogs placed in new homes. A man told officers that he had already removed 50 dogs from the property on Dec. 14, according to the report.

The woman was cited, according to the report, for obstructing an officer, and failing to provide food, shelter and ventilation for the dogs. She was not taken into custody.

Shocked neighbor

Neighbor Jodi Dietsche, who lives on Town Line Road, said she was shocked to learn there were more than 100 dogs on the property.

"We knew she had quite a bit, but not to that extent. Sometimes her dogs would get loose and we'd return them to her," Dietsche said. "A few years back, my kids worked there part-time to help with animals. She had tons, birds in every room and it was awful, a complete mess and I told them they couldn't work there anymore."

Wisconsin court records show that five charges against the woman were dismissed in August 2007. The charges related to alleged animal neglect date back to December 2005. She was charged three times in 2004 with allowing animals to run at large, and found guilty twice. Another charge for the same offense was filed in 2005, but dismissed. Among the numerous civil cases filed was an unpaid veterinary bill.

In all cases, the Kenosha residence was listed as the woman's address.

Fond du Lac Humane Society Shelter Manager Lucy Mathers called it a typical puppy mill operation. She said she was initially contacted by the Sheriff's Department and told the dogs were safe and the woman was expected back the next day.

"If we thought they were in danger, we would certainly have gone there and got them that night and worried about the cost later. This particular place has been an issue and the county has been out there numerous times, but it's hard to convict when they are always just 'this side of the law," she said.

Puppy mills not illegal

Sosinski said each township sets its own standards for kennel permits, animal regulations and enforcement. Some townships have not implemented any standards, he noted, so as not to impede farmers.

"First of all, puppy mills aren't illegal and are no different (by law) than a bull farm or any large animal breeding operation," Sosinski said. "In these cases, the animals are under the government entity of the townships. We have no authority to make them establish limits and often they don't want to deal with it because they have nothing on the books."

When contacted by authorities, Town of Lamartine Constable Harold Birschbach said he had no place to care for that many dogs. Birschbach and Town of Lamartine Chairman Frank Bartzen did not return phone calls to The Reporter.

In this case, Sosinski said he believes the dogs are being taken to "a new clean and neat place where a lot of people are trying to help them."

•

"They were not being starved, they weren't in bad health, just neglected. And we notified the county where they are going. Kenosha is very organized and has strict animal control," he said.

Concern about case

Rohde calls the way the situation was handled unfortunate for the dogs.

Sosinski said dogs taken into custody as part of a pending court case can't be placed in rescue groups because the animals are the responsibility of the Sheriff's Department, but Rohde said her group is well-versed and well-resourced in handling puppy mill situations.

"Sheboygan has 10 certified humane officers who understand the custody of evidence. We (members of the Wisconsin Puppy Mill Project) have been trained to understand evidence, what needs to be handled and what needs to be done. Why did they not take advantage of resources one county over? Now Fond du Lac's problem has become Kenosha's problem," she said.

The real problem lies in the need for stricter laws and regulations dealing with puppy mill operations, Mathers said. She relates a story about a recent visit she made to a residence near Dundee that had too many small dogs and animals, but there was nothing she could do because there was adequate food, water and shelter, and that's all the law requires, she said.

"We also have some people in the city breeding smaller dogs in situations that are very questionable, but there just isn't enough evidence," she said.

Sosinski said it's his job to try to understand what the animal owner is doing and find the best solution. He, too, is frustrated with the lack of local enforcement and with dealing with improperly cared-for animals.

"You can force the law but that's doing it the hard way. I try to have a dialogue with these people and take a path of least resistance," he said.

Rohde said the woman already had a long history of neglecting the animals in her care.

"Allowing animals to languish in filth and abuse over the sake of the buck makes the government as bad as the puppy miller," she said.

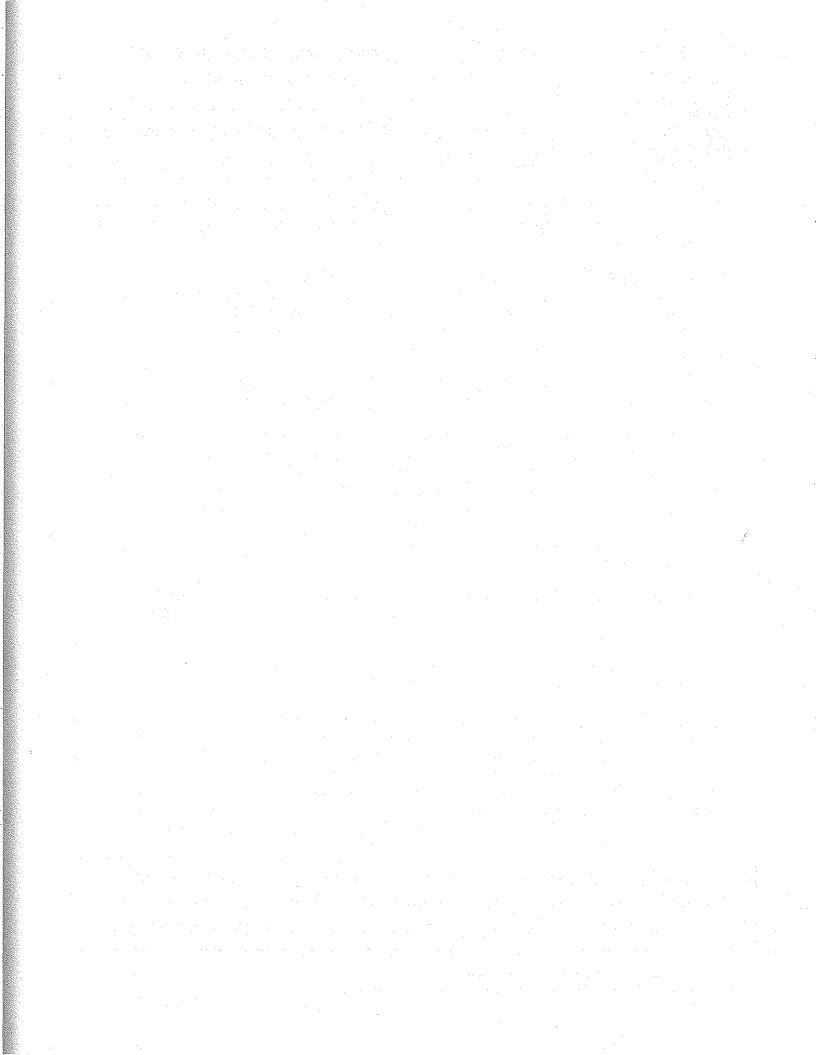
WISCONSIN PUPPY MILL PROJECT, INC

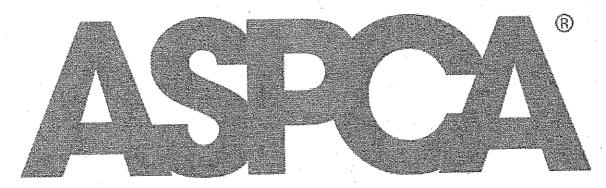
P.O. Box 516 Elkhart Lake, WI 53020

The Wisconsin Puppy Mill Project believes that AB 567 and SB 308 are inherently flawed.

- These bills would combine a strict and unrealistic "Lemon Law" with one of the weakest licensing and enforcement laws in the nation. It may be wise to separate animal protection legislation from "lemon law" legislation.
- Did you know that puppy millers are not known for "truth telling"? This "trait" may make a lemon
 law necessary yet this bill would also allow them to self-monitor by signing an affidavit saying they
 "will comply" to minimum standards. It is unrealistic to expect these affidavits will be truthful.
 Please review recent news coverage about Wisconsin puppy mill operations. In nearly every case
 the puppy seller LIED ON CAMERA to reporters.
- In what other area of Wisconsin law are Sheriff's deputies and department given the "option" to investigate? This bill says Sheriff's "may" investigate. What happens if they decide they "may not"?
- How much training do law enforcement officers receive in animal cruelty under standard training programs currently in place in Wisconsin? Unless officers take Humane Officer Training, our research indicates that most officers receive NO training in animal cruelty whatsoever. How does that qualify them to be "inspectors" or monitors of mill situations? Even Humane Officer training is
- optional under State Statute 173.
- In what other area of Wisconsin law are law enforcement officers responsible for knowing and enforcing administrative rules?
- In what other area of Wisconsin law do sellers deal with live animals, and the potential for disease transmission, unsanitary conditions, and other human health risk potentials but their facilities are not inspected?
- What will stop unscrupulous sellers and breeders from calling themselves "rescue groups" or "humane societies" in order to circumvent the law?
- Are you aware that puppy sellers are already setting up "shell operations" where their puppies go to nice residential homes and sold there, giving the home owner a cut of the profit and the buyer the impression of a "home-raised" dog? How will the buyer know "what's behind" the darling litter of puppies being shown in a nice home setting? How will they be able to see and "complain" about improper conditions in the breeding facilities? These operations WILL become even more hidden under this proposal. Without pre-licensing and regular, standard inspections the mills will continue to operate is the abysmal conditions that brought us to call for regulation in the first place.

These bills do not resolve the core issues that brought us to call for legislation. Those core issues are the SUFFERING, ABUSE, and NEGLECT of the adult animals used to create those profitable puppies.





MEMORANDUM IN SUPPORT WISCONSIN SB 308

The American Society for the Prevention of Cruelty to Animals (ASPCA) and its 9,000 Wisconsin State supporters urge you to enact Senate Bill 308/Assembly Bill 567, the Pet Facilities Licensing and Inspection Act.

SB 308/AB 567 would give the Department of Agriculture, Trade and Consumer Protection the much-needed ability to inspect and license large commercial kennels, individuals selling more than 50 dogs a year. It would give the Department the authority to promulgate rules regarding humane care of animals in these facilities. The Department would also be able to establish minimum ages for the sale of animals to prevent animals from being removed from their mother before they are weaned. The bill prohibits pet shops from selling dogs from unlicensed breeders and protects consumers by providing remedies for individuals who have the misfortune to purchase a sick puppy.

National news programs have focused on the horrendous conditions that dogs and puppies must endure in some puppy mills. Strong state regulation is also needed to supplement federal oversight of these facilities. Many other states including Illinois and Missouri already have inspection and licensing programs at animal facilities. These programs are crucial for they not only protect the animals housed in these establishments, but can also benefit consumers. Puppies that are raised in unsanitary conditions can have health problems. Some canines in puppy mills have even been diagnosed with brucellosis. Dogs that are inbred can produce puppies with congenital deformities. This is why the puppy lemon law provisions of this legislation are so important.

The ASPCA has been inundated by calls from our members asking us to help stop the inhumane conditions that exist in puppy mills. It should be the Department of Agriculture, Trade and Consumer Protection's responsibility to regulate commercial breeders and ensure that animals are kept in sanitary, humane conditions and provided with adequate food and water. This legislation should be strengthened to also apply to dog brokers who sell puppies to pet stores.

The ASPCA urges you to support this important humane legislation.

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January 10, 2008 Testimony Submitted by Senator Alberta Darling to the

Assembly Committee on Consumer Protection and Personal Privacy and the Senate Committee on Small Business, Emergency Preparedness, Workforce Development,

Technical Colleges and Consumer Protection

RE: AB 567 and SB 308

Chairpersons Lothian and Jauch, and committee members, thank you for allowing me to appear today to give my testimony on AB 567 and SB 308, the Wisconsin Dog Purchaser Protection Act.

I would like to thank Representative Tom Lothian (R-Williams Bay), Senator Jeff Plale (D-South Milwaukee), and the bipartisan group of legislators for joining me in this cause by coming together and asking the legislature to once again make an attempt to solve the issue of "puppy mills" in the state of Wisconsin.

I became very concerned with this issue again when I saw the investigative news report telling of the horrific conditions our pets were kept in. A "puppy mill" is a high-volume dog breeding operation that keeps its puppies in poor conditions and produces sickly, ill-tempered dogs. Since learning of these horrific conditions in some puppy mills in Wisconsin, I have been committed to working on legislation that will shut down cruel and unsanitary puppy mills without unnecessarily burdening responsible pet breeders.

The legislature has taken measures in the last several years that could have established licensing requirements for pet breeders, standards regarding the care of pets, and penalties for violating these requirements. In 2003, as Chairman of the Joint Finance Committee, we retained DATCP oversight of pet breeders, but the entire provision was vetoed.

Following Governor Doyle's veto in 2003, Representative Larry Balow introduced AB 536 that would have required any person who breeds or sells dogs and cats, no matter how many, to get a license and undergo inspection, with penalties provided. This bill likely failed to gain support due to too large of scope of all pet breeders in the state, large and small.

We have listened to the concerns of breeders across the state, and in doing so have amended this legislation. I look forward to hearing from individuals' constructive feedback today so that any additional changes can be made to ensure the protection of our pets.

Thank you for your time and attention.

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WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

Testimony of Senator Jeff Plale and Representative Tom Lothian

Senate Committee on Small Business, Emergency Preparedness, Workforce Development,
Technical Colleges and Consumer Protection
Assembly Committee on Consumer Protection and Personal Privacy

Senate Bill 308 and Assembly Bill 567

Thank you Chairman Wirch and members of both committees for hearing this bill. We are very proud of this legislation because it not only helps protect man's best friend, but also protects Wisconsin consumers.

We began work on this bill early last year after receiving hundreds of constituent contacts asking us to act. Similar legislation in past sessions has failed. After examining legislation from many other states, we have a bill that we are confident will work for Wisconsin.

The bill is intended to protect the pet buying public and help them to obtain a dog that is of the utmost health and quality. Breeders and/or sellers will be responsible for providing certain remedies for purchasers (refund, replacement, or reimbursement) should the dog become ill or die from a condition contracted prior to the purchase. The bill requires breeders/sellers to provide buyers with a written bill of sale detailing the condition of the dog, any vaccinations it has received, any pre-existing animal-specific or breed-specific health issues, remedies available to the purchaser, and the responsibilities of both the buyer and the seller. Remedies are still available to consumers, even if they do not buy a dog directly from a breeder and instead purchase a dog from a retail store. Additionally, the bill prohibits retail stores from buying dogs from a commercial breeder if the purchaser knows that the commercial breeder is not licensed and should be or whose license is revoked.

This legislation makes it unprofitable to sell dogs of poor health and quality. One of the main reasons that puppy mills continue to exist is because it is a profitable business. One part of this bill makes it unprofitable to continually sell dogs of poor quality and health to consumers. The bill requires that, as part of the license application, the commercial breeder fill out an annual report. This annual report must include the number of dogs sold in the previous year and the number of dogs the person sold which a purchaser received a remedy for. If the number of dogs that purchasers received remedies for is over 15 percent of the total number sold in the past year, the commercial breeder's license is revoked for one year.

Senate Bill 308 and Assembly Bill 567 provide oversight. The legislation informs the state where large scale operations are and allows for monitoring. The bill requires that those selling over 50 dogs per year to obtain a license through the Department of Agriculture, Trade and Consumer Protection (DATCP), and this license will be tied to their seller's permit, which is issued through the Department of Revenue. Additionally under the bill, local law enforcement

have the ability to investigate complaints of violations of provisions of the bill and report their findings to DATCP.

DATCP will be the agency responsible for establishing rules that set minimum standards for facilities and standards for humane care. Any licensed facility that is not in compliance with the standards risks losing their license. Anyone who violates the requirements of the licensure or DATCP's rules not only faces a monetary penalty or imprisonment, but most importantly has the possibility of their license to sell dogs being revoked for a period of time or permanently.

When we set out to craft this bill, we wanted a bill that protected not only the welfare of animals, but the Wisconsin pet buying public as well. While states, like Colorado, have erred on the side of protecting the rights of the animals without offering any remedies for consumers, our bill strikes a balance. This bill improves the health and conditions of animals and offers consumers greater protection when they purchase a pet. This issue is a combination of a humane issue and a consumer protection issue. We believe if we hit these commercial operations where it counts the most, in their pocketbooks, the animals will in turn be protected because it will not be profitable to keep them in such horrid conditions.

We do understand that most breeders do an excellent job and offer excellent, healthy dogs to their buyers. Without regulation, Wisconsin has become a haven for commercial operations, and we are trying to solve the problem of the bad actors. With that said, as you can see in the Substitute Amendment, we have made changes to the bill to protect the small breeders in the state.

The eight breeding females as one of the benchmarks for licensure was removed. Additionally, more protections for small breeders were inserted specifically, allowing the seller of the puppy to provide a list of potential breed-specific or individual puppy-specific health issues/problems associated with that dog or breed. If a purchaser receives this list provided by the seller, they would then NOT be eligible for a right to remedy for the issues laid out before the sale by the seller. Also, under the substitute amendment, the seller would have the right to a second opinion from a veterinarian of their own choosing prior to providing a remedy. Finally, the bill clarifies that any communicable disease the puppy contracts after leaving the care of the seller is not eligible for a right to remedy. Likewise, any action or inaction by the purchaser causing damage or harm to the health of the animal is specifically exempt from the right to remedy. Both these provisions address the concern of owner negligence being the responsibility of the seller.

This bill will give consumers confidence in buying Wisconsin dogs, and it will give us all confidence that man's best friend is being treated humanely. This legislation will result in marked improvement to the living conditions and care for dogs across Wisconsin. Wisconsin is behind on enacting legislation such as this. Wisconsin has to do better, and Wisconsin can do better. The time to act is now. Again, we thank you for hearing this bill. We are happy to take any questions you may have.